

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

FILED

CLERK'S OFFICE

DONALD ACHER

Plaintiff,

v.

FUJITSU NETWORK COMMUNICATIONS,
INC.

Defendant.

2003 DEC 19 P 1:56

U.S. DISTRICT COURT
DISTRICT OF MASS.

CIVIL ACTION NO. 03-12099

REPLY AFFIDAVIT OF MELANIE SCOFIELD

I, Melanie Scofield, provide the following affidavit based on my personal knowledge unless otherwise stated.

1. I submit this affidavit to reply to the claim of Donald Acher that he did not have notice of our company's Arbitration Policy.
2. Beginning in 1998, Fujitsu Network Communications, Inc. ("FNC") began posting its employment policies, including its Arbitration Policy, on FNC's intra-company website ("Intranet").
3. All employees, including Mr. Acher, have access to the Intranet on their company computer, and FNC charges its employees with awareness of the employment policies on the Intranet.
4. The standard for Donald Acher was no different. Like any other employee, Mr. Acher could access the Intranet and review every policy on the Intranet, including the Arbitration Policy. I see no legitimate basis for Mr. Acher to claim he did not have Intranet access and the ability to review FNC's Arbitration Policy.

Signed under the penalties of perjury this 18th day of December, 2003.



Melanie Scofield, Senior Vice President and General Counsel